

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re: Connectix Corporation NO. C 06-03163 JW
NO. C 07-03192 RMW

ORDER RELATING CASES

Presently before the Court is a referral from the Judge Ronald M. Whyte to consider whether this case and In re: Connectix Corporation, No. C 07-03192 RMW, should be related pursuant to Civil Local Rule 3-12 (c). (Docket Item No. 17.) Each case is an appeal by EOP-Peninsula Office Park, LLC, (“Appellant”) from the same underlying bankruptcy case wherein Connectix Corporation (“Appellee”) is the debtor.

Rule 3-12 (a) defines related actions as:

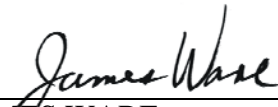
- (1) The actions concern substantially the same parties, property, transaction or event; and
- (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.

Here, both of the actions at issue are appeals from the same bankruptcy case. While each appeal concerns a different issue, each issue arises out of the same common nucleus of facts concerning the circumstances of the bankruptcy. Moreover, one of the appeals concerns the bankruptcy court’s decision not to dismiss the underlying bankruptcy case. Thus, conflicting results and duplication of labor could result if, for example, this Court grants dismissal as Judge Whyte considers the other appeal.

1 Accordingly, the Court finds the two actions are related within the meaning of Rule 3-12 and
2 orders the cases related. The Clerk shall reassign C 07-3192 RMW to this Court. All further filings
3 in both cases should have the initials JW following the case number.

4 In response to Judge Whyte's Rule 3-12 (c) referral, Appellant requested that the Court
5 consolidate these cases,¹ and Appellee moved for the Court to dismiss one of Appellant's appeals.²
6 The Court defers consideration of Appellee's motion to dismiss until such time as it has been fully
7 briefed. The parties shall comply with the briefing schedule as set forth in Rule 8011-1(a).

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9 Dated: January 11, 2008



JAMES WARE
United States District Judge

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26 ¹ (See Docket Item No. 13.)

27 ² (See Docket Item No. 14, 16.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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8 **Dated: January 11, 2008**

Richard W. Wieking, Clerk

9 **By: /s/ JW Chambers**

10 **Elizabeth Garcia**
11 **Courtroom Deputy**